

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICHARD NOWAK and LUCINDA L. WILLIAMS	:	C.A. NO.: 08-379
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DAVID M. BORTLE, JR and AUDREY	:	JURY OF 12 DEMANDED
ROSENBALM	:	
	:	
Defendants.	:	

DEFENDANTS' ANSWER TO COMPLAINT

1. Defendants are without sufficient information or knowledge to determine the truth of this averment.
2. Denied as stated.
3. Admitted.

JURISDICTION

4. Defendants incorporate their answers in paragraphs 1 – 3 as if set forth fully herein.
5. No response required of defendants.

FACTUAL ALLEGATIONS

6. Defendants incorporate their answers in paragraphs 1 – 5 as if set forth fully herein.
7. Admitted.
8. Admitted.
9. Denied as stated.

10. Defendants are without sufficient information or knowledge to determine the truth of this averment.

11. It is admitted that the citations noted in paragraph 11 of the Complaint were issued to defendant David M. Bortle, Jr.

COUNT I

12. Defendants incorporate their answers in paragraphs 1 – 11 as if set forth fully herein.

13. Denied.

COUNT II

14. Defendants incorporate their answers in paragraphs 1 – 13 as if set forth fully herein.

15. Denied as stated.

16. Denied. Affidavit of Non-Agency will be provided.

17. Denied as stated.

18. Denied.

19. Denied.

20. Denied as stated.

21. Denied.

COUNT III

22. Defendants incorporate their answers in paragraphs 1 – 21 as if set forth fully herein.

23. Denied.

24. Denied.

COUNT IV

25. Defendants incorporate their answers in paragraphs 1 – 24 as if set forth fully herein.

26. Denied.

27. Defendants are without sufficient information or knowledge to determine the truth of this averment.

28. Defendants are without sufficient information or knowledge to determine the truth of this averment.

29. Denied.

30. Defendants are without sufficient information or knowledge to determine the truth of this averment.

31. Denied.

COUNT V

32. Defendants incorporate their answers in paragraphs 1 – 31 as if set forth fully herein.

33. Denied.

WHEREFORE, defendants demand judgment in their favor and dismissal of plaintiffs' Complaint with costs of this action assessed against the plaintiffs.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim for punitive damages upon which relief can be granted.

WHEREFORE, defendants demand judgment in their favor and dismissal of plaintiffs' Complaint with costs of this action assessed against the plaintiffs.

BIFFERATO GENTILOTTI, LLC

/s/ Maria J. Poehner

Maria J. Poehner, Esquire (Del. I.D. #3213)

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(302) 429-1900

Attorney for Defendants

Dated: August 21, 2008

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FOR THE DISTRICT OF DELAWARE

RICHARD NOWAK and LUCINDA L.	:	C.A. NO.: 08-379
WILLIAMS	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DAVID M. BORTLE, JR and AUDREY	:	JURY OF 12 DEMANDED
ROSENBALM	:	
	:	
Defendants,	:	

CERTIFICATE OF SERVICE

I, Maria J. Poehner, Esquire, hereby certify that a true and correct copy of Defendants' Answer to Complaint were served via Electronic Filing this 21st day of August, 2008 upon the following:

Cynthia H. Pruitt, Esquire
Doroshow, Pasquale, Krawitz & Bhaya
1202 Kirkwood Highway
Wilmington, DE 19805-2120

BIFFERATO GENTILOTTI LLC

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